

Tuesday, June 20, 1995

Chairman Penny Allen  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA. 94612

Dear Penny:

I have just learned that tomorrow you will have the opportunity to vote on certain offers to dedicate Public Access Easements located at Escondido Beach in the Malibu area. I am concerned about only one issue concerning public access and it is as follows.

I believe that if you can get a person to dedicate a portion of his or hers property for public access as a prerequisite to developing that property and that person agrees to it and all that it means, then you have accomplished your goal. You are doing your job.

What I have a hard time understanding is this. There is someone (who is affluent), and who has willingly given you an accessway in return for developing their property, who has over built their property to the extent that their tennis court and other improvements are built over the dedicated accessway. It's been discovered and now they are negotiating with you and your department to work this problem out. So here's what they want to do. They want to give you some money (they have alot) so that you can go down the highway and purchase a portion of someone's property and make it into a parking lot (13 spaces) so there is parking at another accessway. How do things like this happen? Why isn't this person made to follow the rules like every one else? Is the lesson learned here that "money talks"? Not only does this person get away with breaking the laws, but he also causes alot of other people alot of grief. Now some people down there at Sycamore Park have to write letters, check with attorneys and get ready to stand up and fight for their rights and community. This one persons wrong will effect about 260 people....is this right? Is it fair? I hardly think so, I think the person at fault should be made to remove the improvements made on our accessway and open up that part of the beach, I'll find a place to park. There's lots of street parking by Sycamore Park. What you should look at is what part of the beach you're trading for a parking lot. Not only that, but the property that he is willing to fund isn't even for sale. This in itself really scares me. Was he going to have you sub-divide the parcel so that it could be purchased? How does that all work? Frankly Penny, this tactic has the ring of Joe Edmiston in it. Sounds like alot of hassle when the easiest thing to do is make the other person do the right thing.

Any way Penny I hope that you will consider all that is involved with the parking lot issue and especially the beach access to the north end of Escondido that you will be giving up.

Regards,  
Skip Danielson  
28943 Greyfox Rd. Malibu, CA 90263



**CALIFORNIA STATE COASTAL CONSERVANCY**

330 BROADWAY, SUITE 1100  
OAKLAND, CA 94612-2530  
TSS 541-1015  
TELEPHONE 510/286-1015  
FAX 510/286-0470



July 17, 1995

Mr. Skip Danielson  
28943 Greyfox Rd.  
Malibu CA 90265

Dear Mr. Danielson:

Thank you for your letter of July 5, 1995. I am forwarding a copy to the Coastal Conservancy Boardmembers for their review. You may send any additional comments directly to our Board by writing to:

Chairperson Penny Allen  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland CA 94612

As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been re-scheduled for Conservancy consideration and approval in September. You will receive notification of the meeting once the details have been arranged.

In your letter you stated your concerns about exchanging the Chiate/Wildman easement for a parking lot in another location. As a preliminary matter, please note that the Conservancy is *not* considering this exchange as part of the action that was recommended in June and rescheduled for September. That recommendation pertains to management of dedicated accessways at Escondido Beach, including the Chiate/Wildman easement or alternative. The decision to either construct the existing Chiate/Wildman easement or to exchange it for another access will be the subject of a possible future staff recommendation for Board action and it may well be that an exchange will not prove feasible.

Let me clarify why Conservancy staff has been willing to consider exchanging this easement for an alternative access to Escondido Beach. This will be a difficult easement to build, as I pointed out in my staff recommendation. The parking easement covers portions of a ravine that may require retaining walls and extensive fill. The path plunges down an eroding cliff face at the southern

Mr. Skip Danielson  
July 17, 1995  
Page Two

end, necessitating cantilevered decks, pilings, grading, and retaining walls. If we build this accessway (which we still may do), it will require a degree of land alteration that we usually strive to avoid when building accessways.

I mentioned the property owners' objection to the construction of this easement only to explain why the property owners were willing to spend their time and money finding and constructing an alternative access to Escondido Beach. The Conservancy has a mandate to provide access to the coast. While we balance that mandate with a concern for property rights, the public does have the right to use this accessway, once it is opened. We take this right very seriously.

Escondido Beach is a high priority for the Conservancy and we have been willing to negotiate with the property owners because we hoped to find a better access to Escondido Beach. As I stated in my staff recommendation, if that proves impossible, we will construct the Chiate/Wildman easement. In fact, the staff recommendation includes authorization to arrange for operation and maintenance of the Chiate/Wildman easement *after it has been built*.

While I have noted that you feel that the parking lot is not a better alternative to the Chiate/Wildman accessway, let me explain why we thought it had sufficient merit to cause us to consider it. Contrary to your statement, parking is, indeed, needed in the Escondido Beach area. The lack of parking in this area is one of the factors that limits beach use. There is no street parking on the ocean side of Pacific Coast Highway adjacent to the existing accessway at Escondido Creek; nor is there any street parking adjacent to two of the accessways, "Geoffrey's Restaurant" and "Seacliff", proposed for acceptance by the Conservancy. The Seacliff accessway does include an off-street parking easement, but only for two cars. Street parking on the inland side of the Pacific Coast Highway is available but, as you yourself point out, not ideal. A thirteen car parking lot, on the ocean side of Pacific Coast Highway, would make Escondido Beach available to more members of the public.

In response to your comments about the floodplain, I believe you are thinking of a different parcel than the one actually proposed for the parking area. The proposed parking lot alternative is located on a steeply sloping piece of property between Pacific Coast Highway and Malibu Cove Colony Dr. It is on the ocean side of Pacific Coast Highway and not near Escondido Creek, see attached map.

Mr. Skip Danielson  
July 17, 1995  
Page Three

In conclusion, I would like to point out that this parking lot is not a done deal. There are many obstacles that the property owners must negotiate before Conservancy staff agrees to present this proposal to our Board for approval. Furthermore, Conservancy and Coastal Commission staff have not yet agreed that the parking alternative is a good one. But if this proposal or any other exchange does go to our Board for approval, I will be sure to notify you.

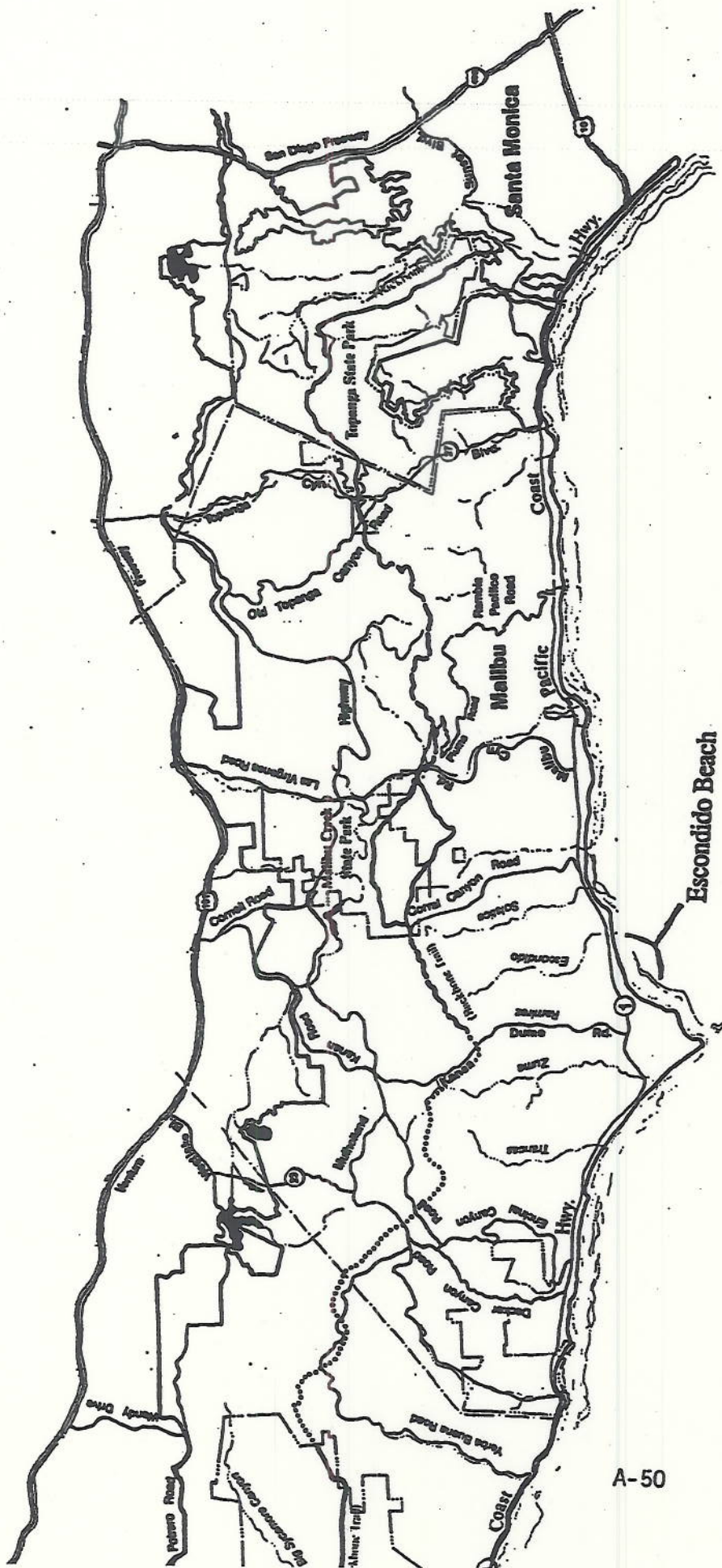
Please let me know if you have any further questions.

Yours truly,

A handwritten signature in cursive script, appearing to read "Brenda Buxton".

Brenda Buxton  
Project Manager





A-50

## Malibu Area Map

Exhibit H

# Map of the area



**EXHIBIT I**  
**Letters supporting the project**

EXHIBIT I  
Factors supporting the project

# LEAGUE FOR COASTAL PROTECTION

Sept. 1, 1995

Post Office Box 190812  
San Francisco, CA 94119

Office of Sara Wan  
12350 Carbon Mesa Rd  
Malibu, CA 90265  
(310)456-6605; Fax (310)456-3380

Ms. Penny Allen  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612-2530

Re: Escondido Beach Access, Malibu

## BOARD OF DIRECTORS

Melvin L. Nutter, *Chairperson*  
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Moe Stavnezer  
Robert Sulnick  
Lucille Vinyard  
Darryl Young

Zad Leavy, *General Counsel*

## HONORARY MEMBERS

The Honorable  
Peter Behr  
  
The Honorable  
Anthony Beilenson  
  
The Honorable  
Edmond G. Brown

Melvin B. Lane

Dear Ms. Allen:

The League for Coastal Protection strongly supports the Conservancy's Escondido Beach access program. Increased public access is sorely needed in the Malibu area, perhaps more than almost anywhere along the entire coast of California. Because of intense local pressure to keep the public out, members of the public are effectively precluded from using any of the beaches in Malibu except for those that are owned and operated by the State and County, i.e. Zuma Beach, Topanga Beach and Malibu Creek State Park. There is always another reason, i.e. parking, litter, danger, etc. None of these reasons are legitimate. The real reason is simply that Malibu residents believe they own the beach and don't want anyone else to use it.

Recently, the City of Malibu attempted to post "No Parking" signs on PCH across from Zuma Beach. The professed reason was the "danger" to pedestrians from crossing the highway, the same "danger" excuse used in this case. The Coastal Commission denied those signs, noting that over the years there was no evidence to indicate that landside parking had resulted in any significant number of traffic accidents. Zuma is a heavily used area and the "danger" to pedestrians was fabricated. The "danger" to beachgoers, if they park on the inland side of PCH by Escondido, should therefore likewise not be a problem.

LCP also strongly opposes the payment of any in-lieu fee to avoid the opening of accessways at Escondido. Such fees would set a dangerous precedent, allowing any one who didn't want to open up "their" beach to the public to simply buy their way out of it. Payment of such fees would not guarantee that any accessways would ever actually be opened since there would be no guarantee that elsewhere there would be a willing seller or even that the fee would be adequate to cover the purchase. In addition, it would

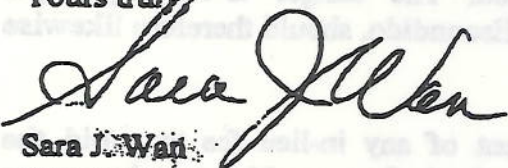
not solve the problem of opening up Escondido beach. LCP does strongly suggest that you not only open up the Escondido OTD's but that you seek to find ways to open other OTDs elsewhere in Malibu. Eastern Malibu, particularly Carbon and Las Flores beaches are badly in need of some way for the public to gain access to the beach.

As for the City's position that they are writing their Local Coastal Plan and therefore not able to assume operations and maintenance responsibilities at this time, this is simply an excuse. There is no justification for this position. The City has been able to assume all types of "interim" activities and responsibilities far more involved and complicated than this. The City's refusal to assume operation can only be viewed as an attempt to delay the openings of these accessways until the offer to dedicate time runs out and they revert. In addition, we would point out that two members of the City Council should be asked to recuse themselves on this issue since they live on Escondido Beach and this constitutes a conflict of interest. Those two councilmembers are Councilman John Harlow and Mayor Joan House. Both of these officials have, at various times, indicated their strong opposition to allowing any members of the public to use the beaches of Malibu.

LCP also supports the decision to allow the MRCA to operate and maintain these accessways. The MRCA is a well run agency that would make an excellent choice to assume responsibility for their operation and maintenance and we urge that all the OTDs be accepted. We do not oppose the staff suggested study of the alternative to the Chiate/Wildman accessway, but urge that you look very closely at the "effective impact" of trading the Chiate/Wildman accessway. That is, any alternative proposed must actually increase public access by the same amount as that of Chiate/Wildman.

In summary, LCP urges the Conservancy to move forward as quickly as possible with its current plans for opening Escondido Beach.

Yours truly,



Sara J. Wan  
Vice Chair  
League for Coastal Protection

Chairperson Penny Allen  
California State Coastal Commission  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Dear Chairperson Allen,

This letter is written to urge the California State Coastal Commission to accept the offers to dedicate two vertical accessways located at 27398-400 (Stern et al) and 27420-26 PCH (Shane, Seacliff), Escondido Beach, Malibu. Further, we urge the Coastal Commission to require the construction of the already accepted OTD located at 27900-10 PCH (Chiate-Wildman) Escondido Beach, Malibu.

It is our understanding that there is approximately \$400,000 (Edwards' Trust) dedicated for the sole purpose of construction of the 27900-10 PCH (Chiate-Wildman) accessway and/or the opening of the existing easements from Escondido Creek to Paradise Cove as established under the conditions of the California Coastal Commission permit (application 5-89-1197 111,1b Special Conditions, Access Impact Mitigation). We, therefore, urge the California Coastal Conservancy to pursue as expeditiously as possible the construction and dedication of the accessways so the public may have access to Escondido Beach.

We are in favor of building and opening all the aforementioned accessways. We must insist that the California Coastal Conservancy live up to the agreement of the Edwards' Permit and Trust and that the money be spent for the designated purposes for which the Edwards' Permit was issued. The special conditions attached to the Permit state:

- "The funds shall be specifically for construction of access improvements at the Chiate-Wildman easement unless the Executive Officer of the Commission determine that an alternative easement could be developed with the same funds that provides equivalent access to the same beach area."

Nowhere in the Edwards' Permit does it state that the funds may be used for acquisition of land for parking lots or the construction of parking lots. We are adamantly opposed to the building of any parking lots anywhere. The pictures that were presented to your representatives at the meeting of August 10, 1995 in Malibu demonstrated that there is ample parking available (280 spaces) along the ocean side of PCH for people using the three accessways.

Thank you for your help and consideration in this matter.

NAME

ADDRESS

Jay Kanchana 27946 Winding Way  
Malibu, Ca  
90265-4459

Name	Address
J. S. Spear	# 455 Sycamore Meadows Dr.
Fredrick C. Houghton	6300 SYCAMORE MEADOWS DRIVE
Marian S. Houghton	6300 Sycamore Meadows Drive
Pat. P. Bricker	6363 Sycamore Meadows Drive
Beverly B. Deves	6414 Via Escondido
Julia C. Bue	12314 Sycamore Meadows Dr
W. H. Cox	44600-76 HEATHERCLIFF RD, MALIBU, CA

Name	Address
Keneth H. Henry	6474 Sycamore Meadows Dr MALIBU 902
Barbara Hensley	6474 Sycamore Meadows Malibu Ca 902
George Reeves	6414 Via Escondido Malibu CA 902
C. H. Dale	6349 Sycamore Meadows Dr CA 9026
Colby J. H.	6471 Sycamore Meadows Dr. Malibu CA
Jill Skunk	6473 Sycamore Meadows Dr. Malibu CA (310) 457-3851
Peter G. Kenny	6348 Sycamore Meadows Malibu 90265
Mary N. Frankton	6417 Via Escondido, Malibu 90265

Name	Address	MALIBU, CA.
Paul F. Lumbly	#44 29500 Heathercliff Rd	"
Julian Lumbly	" " " "	"
Maryann Jacobs	29500 Heathercliff #10	"
Alfred Jacobs	" " "	"
De Bruch	26842 Malibu Cove	"
Ward Laure	6216 B Tapia Dr. Malibu	"
Ernie Kroes	1427. 17th St. CA.	"

Name	Address	
Duncan W. Cox	29500-76 HEATHERCLIFF RD, MALIBU, CA. 90265-	
Marian B. Cox	" "	
Gertrude Ble	#77 " "	
Peggy Crossin	#15 " "	
J. Schen	248 " "	
Philip Sutton	#190	
Dr. Clarence R. Sutton	#190 " "	

Name

Address

Pace 711 Spaddeen 27071 Sea Vista

Patricia Martiny 23405 Pacific Coast Hwy, MAUI

Thomas Beirith 6456 Sycamore Meadows

Carol Cullen 27077 Sea Vista Dr. Maui

[Signature] 6314 Sycamore Meadows

[Signature] 27069 SEA VISTA DR.

Dickie Talbot 27187 Sea Vista Dr.

William A. Talbot 27187 Sea Vista Dr.

Name

Address

HORST KRICHSEN 6363 SYCAMORE MEADOWS DR

Horst Kricken MAUI BE, CA. 90265

222

Address

William H. Wilson 27437 LINDA WAY MAUI, CA. 90265

Name

Address

Carol S Cox

913 Bienvenida Ave PP 90272

Craig Cox

913 Bienvenida Ave PP 90272

Carol Cox

913 Bienvenida Ave PP 90272

D. S. Fierilla 29335 HEATHERCLIFF RD., MALIBU, CA 90262

NAME

ADDRESS

Erin Murphy O'Hara 5524 1/2 LeBuck's Terrace, Malibu 902

915 Riverside Ave. 79 90305  
 915 Riverside Ave. 79 90312  
 915 Riverside Ave. 79 90312  
 915 Riverside Ave. 79 90312

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 915 Riverside Ave. 79 90312

L Herman Kanner AIA  
1901-1953Charles G. Kanner FAIA  
PresidentStephen H. Kanner AIA  
Vice President

23 August 1995

Ms. Brenda Buxton  
COASTAL CONSERVANCY  
1330 Broadway Street, #1100  
Oakland, CA 94621Re: Coastal Access  
27420/27428 Pacific Coast Highway  
Malibu, CA 90265

Dear Ms. Buxton:

In compliance with the terms of our settlement with the state, we (the owners of the captioned property) have completed the coastal accessway at the captioned location.

We understand that the Coastal Conservancy intends to accept our accessway and will assume full responsibility for it. The purpose of this letter is to fully support the Conservancy's acceptance of our accessway as soon as possible.

Sincerely,

Charles G. Kanner, FAIA  
for Seacliff Homeowners Association

cc: Judy Davidoff

Surfrider Foundation  
Malibu/Santa Monica Chapter

June 5, 1995

Ms. Penny Allen, Chair  
State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Re: Escondido Beach Easements

Dear Chairperson Allen,

The Malibu/Santa Monica Chapter of the Surfrider Foundation has long supported the efforts of the Coastal Conservancy to open up accessways to our local beaches. The Santa Monica Mountains Conservancy has offered to operate and maintain three accessways and two parking easements along Escondido Beach at no cost to the state. This offer is summarized in a staff recommendation being submitted for review.

Beach access at this location will not only benefit the public visiting the beach from out of town, but will also benefit the many Malibu residents who do not live on the beach. We urge the Conservancy board to approve its staff recommendations and open up these accessways and parking easements along Escondido Beach.

The ocean and beach to the high tide line are public property. Accessways such as this will enable the public to use and enjoy recreational resources which are rightfully theirs.

Very truly yours,

  
John Hearne

  
Debi Tappis

RECEIVED  
JUN - 7 1995  
STATE COASTAL CONSERVANCY  
OAKLAND, CALIF.

A-60

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE

725 FRONT STREET, STE. 300

SANTA CRUZ, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200



June 2, 1995

Penny Allen  
Chair, California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Re: Malibu Access at Escondido Beach  
Scheduled for Conservancy Board action June, 1995

Attn: Brenda Buxton

Dear Chairwoman Allen:

The Commission staff strongly supports this proposal which will ultimately result in a significant increase in public access opportunities. Many of the beaches in Malibu are difficult to access, mainly due to a lack of parking and vertical accessways. This project will provide parking and open the three vertical easements to Escondido Beach, that were required by the Commission to mitigate impacts to public access from private development. The development has long been built but the mitigation has yet to be implemented. Escondido Beach is a long sandy beach, capable of providing significant public recreational opportunities. This project will provide the public with the necessary support facilities to find and use this resource.

We are pleased to see the partnership arrangement between the Coastal Conservancy and the Santa Monica Mountains Conservancy which implements all of our agencies goals to provide increased recreational opportunities for the public.

Sincerely,

Linda Locklin  
Manager, Coastal Access Program

LL/cm

cc: Peter Douglas, Executive Director  
Gary Timm, Assistant Director

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RECEIVED  
JUN - 5 1995  
THE COASTAL CONSERVANCY  
OAKLAND, CALIF



CALIFORNIA COASTAL COMMISSION

REGIONAL COAST AREA OFFICE

1200 WEST STREET, SUITE 100

SAN FRANCISCO, CA 94104

(415) 774-6000

FAX (415) 774-6001

June 2, 1992

Penny Allen  
Chair, California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Re: Malibu Access at Rancho del Mar  
Scheduled for Conservancy Board action June, 1992

Attn: Brenda Buxton

Dear Chairwoman Allen:

The Commission staff strongly supports this proposal which will ultimately result in a significant increase in public access opportunities. Many of the parcels in Malibu are difficult to access, mainly due to a lack of parking and open the three vertical. This project will provide parking and open the three vertical easements to Rancho del Mar, that were requested by the Commission to mitigate impacts to public access from private development. The development has long been built but the mitigation has yet to be implemented. Rancho del Mar is a long sandy beach, capable of providing significant public recreational opportunities. This project will provide the public with the necessary support facilities to find and use this resource.

We are pleased to see the partnership arrangement between the Coastal Conservancy and the Santa Monica Mountains Conservancy which implements all of our agencies goals to provide increased recreational opportunities for the public.

Sincerely,

Linda Locklin  
Manager, Coastal Access Program

cc: Peter Douglas, Executive Director  
Gary Tamm, Assistant Director

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RECEIVED  
JUN 3 1992  
CALIFORNIA COASTAL COMMISSION

**EXHIBIT J**  
**Letters opposing the project**

EXHIBIT 3  
Letters opposing the project

July 14, 1995

Brenda Buxton, Project Manager  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, California 94612

Re: Easement dedications  
Escondido Beach, Malibu

Dear Ms. Buxton,

Recent publicity and public hearings in Malibu concern some "Offers to Dedicate" Access Easements at Escondido Beach.

We have owned a home on Escondido Beach (27208 Pacific Coast Highway ) since 1968. For 15 years I served as secretary of the property owners association there; two of the three presidents were attorneys, the third was Charles Kanner, architect, deeply involved in the Shane-Seacliff easement. For 15 years we spent about half our time at every board meeting on the problems of the road: parking, repairs, maintenance, security, etc.

The attorneys spent endless hours with title insurance companies, land use attorneys, governmental authorities, the county supervisor. Believe me, if our supervisor had been anyone but Deane Dana, there would be no city of Malibu today. Incorporation was the only way to get SOME control over our destiny; clearly Dana would never provide that.

Let me ask you most earnestly to consider these facts.

1/ The C, C & R's running with the title of every property on that road spell out in detail the fact that ESCONDIDO BEACH ROAD is a PRIVATE ROAD. It is so posted and always has been. It is built, owned, maintained by the property owners. The road is clearly designated by CalTrans ( look for yourself ); parking or use of the road is restricted and the sheriff can and does cite and tow those using the road or parking illegally. All of this is easily documented; it has been true since the original subdivision.

2/ Take a very close look at the easement at 27398-400 PCH which runs through the restaurant, down the stairs, ACROSS ESCONDIDO BEACH ROAD, and between 2 houses to the "beach" (your Exhibit B) Pay close attention to this: THE PROPERTY ON WHICH THE RESTAURANT STANDS IS NOT NOW AND NEVER HAS BEEN A PART OF THE ESCONDIDO BEACH SUBDIVISION. IT IS IN A SEPARATE TRACT. When Mr. Shucart and Murphy set up those original parcels, the present restaurant property was started as a motel "Holiday House ". Because it was a commercial enterprise fronting on the Coast Highway and NOT CONNECTED IN ANY WAY WITH ESCONDIDO BEACH ROAD IT WAS PLACED IN A SEPARATELY NUMBERED AND DESIGNATED SUBDIVISION TRACT.

3/ CLEARLY, UNMISTAKABLY, IN YOUR OWN PLAT MAPS, THE EASEMENT IN QUESTION USES ESCONDIDO BEACH ROAD AS PART OF THAT EASEMENT. RIGHT TO USE OF THAT ROAD IS RESTRICTED TO THE PROPERTY OWNERS ALONG THAT ROAD. MALIBU COVE COLONY ROAD IS EXACTLY ANALOGOUS AND THAT RIGHT OF EXCLUSIVE CONTROL HAS BEEN TESTED SUCCESSFULLY IN THE COURTS AND IS A MATTER OF PUBLIC RECORD.

It should be obvious to you that no one can dedicate an easement over property that he does not own. The only persons legally permitted to use Escondido Beach Road are the property owners along that road, of which I am one. You may be very confident that if you persist in asserting a right to the use of property that HAS NOT BEEN AND CAN NOT BE DEDICATED TO YOU (ESCONDIDO BEACH ROAD) the firestorm that will follow will make this the mother of all trials, believe me.

In my opinion it would be far wiser to spend your limited resources on maintaining the easements you have right now. I am enclosing some photos taken from the bridge over Escondido Creek right at the existing public easement after one of the storms last winter. John Harlow, Malibu City Councilman, was standing beside me when I took these pictures.

During high runoff periods wave action regularly builds up the huge barrier seen here, creating a very large pond. Eventually it breaks out to run either right or left along the beach for remarkable distances. The photos from my porch show that effect this time, including the fact that a visitor could not use the easement without swimming across the pond, etc. In addition, this pond contains the fecal contamination from hundreds of animals living up the canyon, creating a well documented public health hazard.

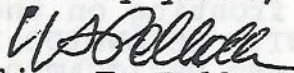
All of the year round creeks in Malibu have the same problem. Cross Creek gets most attention because it contains residue from the Tapia Park Sewage Treatment plant upstream in that canyon and it is right next door to a large public access easement and to Malibu Colony. Every year they have to go out there with a bulldozer to clear that sand bar away and permit Cross Creek to empty into the sea, sometimes more than once.

At Escondido Creek we have another problem not seen in other easements. Many people on the mountain side of the highway have horses and by walking them under the bridge they regularly gain access to the beach, ride there, defecate there, imperil small children, excite the dogs, etc. I have seen many run-aways.

At our own expense some of the owners have paid a bulldozer operator to take down the sand bar to permit flow of the creek, but that is very expensive and difficult because there is no access for heavy earth moving equipment for over two miles.

Let me encourage you to undertake the creation of a channel for the creek (such as they have built in the creek bed on the mountain side of the highway - look at it once) to guarantee that the stream will always go straight out to sea, THUS PRESERVING THE PUBLIC EASEMENT THAT YOU ALREADY HAVE THAT IS HEAVILY USED.

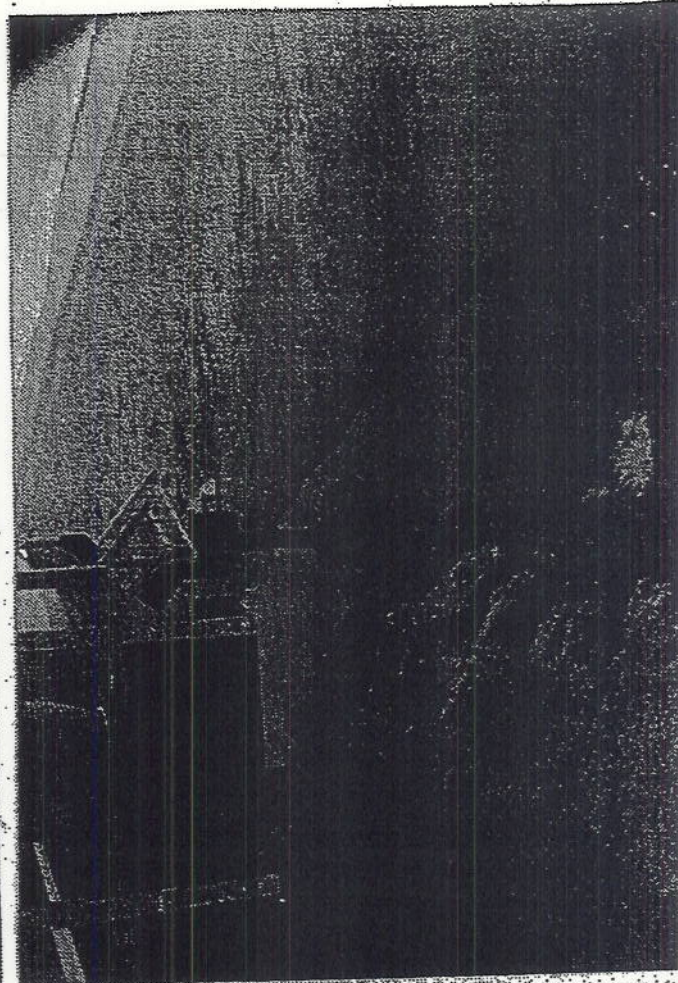
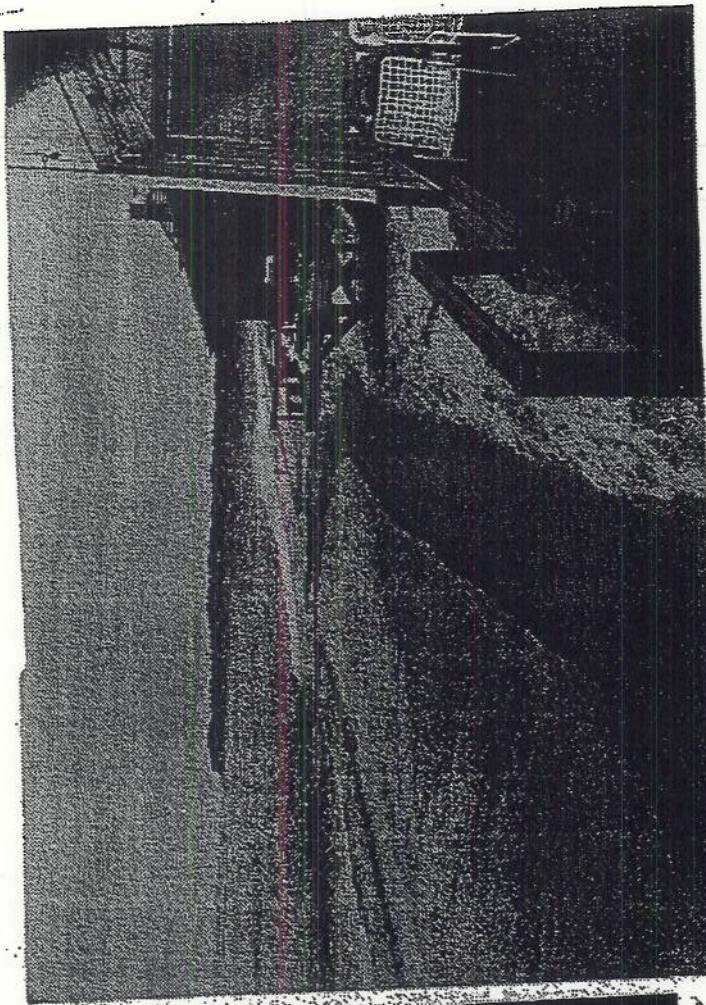
Sincerely yours,

  
William F. Pollock, M.D., F.A.C.S.

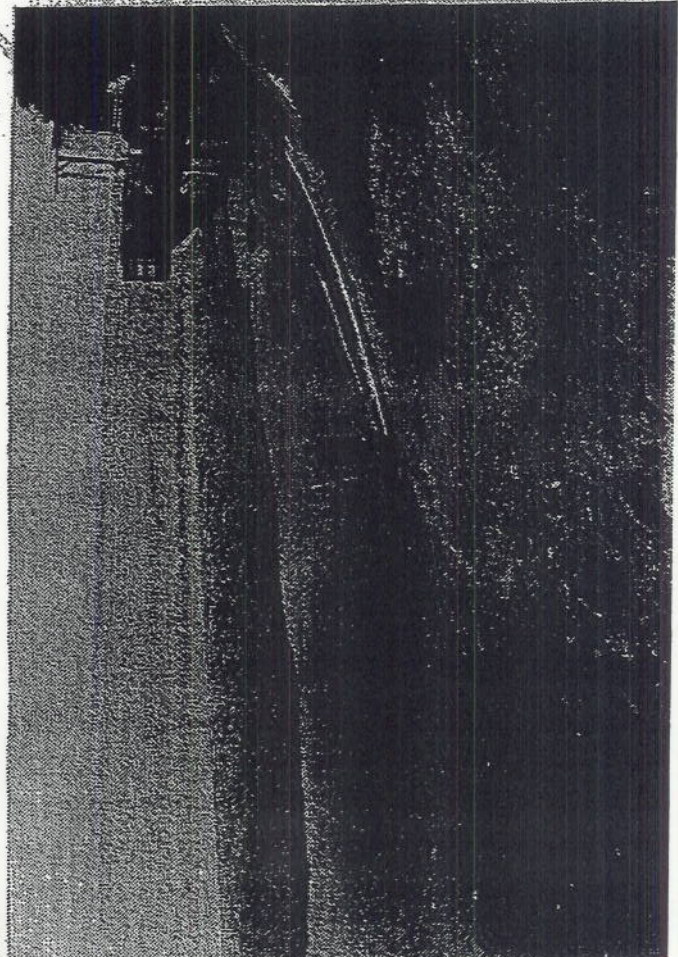
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JUL 19 1995

OCEANOGRAPHIC CONSERVANCY  
OAKLAND, CALIF.



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**CALIFORNIA STATE COASTAL CONSERVANCY**

1330 BROADWAY, SUITE 1100

OAKLAND, CA 94612-2530

ATSS 541-1015

TELEPHONE 510/286-1015

FAX 510/286-0470



July 26, 1995

Dr. William F. Pollock  
1268 N. Amalfi Drive  
Pacific Palisades CA 90272

Dear Dr. Pollock:

Thank you for your letter of July 14, 1995 and the accompanying pictures. I will provide our Boardmembers with a copy of your letter. As you may know, the Escondido Beach access project was not discussed at the Conservancy's June meeting and has been rescheduled for Conservancy consideration and approval in September. You will receive notification of the meeting once the details have been arranged.

In regards to Escondido Beach Road, it is the policy of the Coastal Conservancy to respect private property and I will investigate this further in order to discover on what grounds the original grantor used to dedicate the easement at 27398-400 Pacific Coast Highway.

Your pictures clearly illustrate that the Escondido Creek access, maintained by Los Angeles County Dept. of Beaches and Harbors, is impassable for sometime during heavy winter rains. This further underscores the importance of opening up alternative accessways to Escondido Beach since building a channel on the beach to prevent ponding at the creek mouth is infeasible. A channel extending out to the ocean would interrupt sand transport, alter the creek hydrology and salinity, fill up with sand and debris, and be subject to damage from storm waves. A less costly and more environmentally appropriate alternative is to open up the other accessways that are available along Escondido Beach.

Yours truly,

A handwritten signature in cursive script that reads "Brenda Buxton".

Brenda Buxton  
Project Manager



WILLIAM F. POLLOCK, M.D.

1268 N. Amalfi Drive  
Pacific Palisades, Calif 90272  
(213) 454-7564

July 28, 1995

Ms. Brenda Buxton  
c/o Coastal Conservancy  
Oakland

Dear Ms. Buxton,

Your many public statements have created the impression that you and your colleagues are unalterably committed to a program with respect to Escondido Beach, and have no significant interest in trying to learn about the problems on that beach. If that is true, we have nothing more to say to each other. If, on the other hand, you really want to understand Escondido Beach before you act on your program, let me make a suggestion. The next time you have a free day and /or night on a visit to Malibu, give me a day or two advance notice and my wife and I will be pleased to have you stay with us; we can walk the beach, see the terrain and the problems, you might be surprised at what there is to learn. So pack your toothbrush and your nightie and come have a look. We will go to dinner at Sand Castle so you can understand Paradise Cove a little better. There is no charge for this service.

Examples of what you might learn: 1/ In the 27 years we have lived there, we have NEVER, I MEAN NEVER, seen anyone surfing on that beach. Simple reason: you can't. There is a remarkably large kelp bed extending all the way from Point Dume to Latigo Point. (For years they harvested the kelp to make agar and chemicals.) That very effectively kills the waves needed for surfing. 2/ Every year or two since we have been there we have seen horrible traffic accidents on that stretch of P.C. Highway. I will SHOW YOU the scars, including one where a drunk in a VW beetle went off the highway, rolled to a stop when he hit our garage door ( show you !!). He got out, rolled the car back onto its wheels and drove off, I swear it. Within the last year Caltrans has TAKEN THE SIDEWALK AWAY where the bridge crosses Escondido Creek and replaced it with those crash barrels and rubber/steel guard barriers for the bridge itself. Let me show you. Then simple research into WHY they did that will make the point. That is an extremely dangerous traffic situation, very well documented.

3/ Take a walk along our private road to the point where the "easement" stair from the restaurant comes down to the road. Then go just another 100 feet and look at the sand bag wall created to protect the homes below Geoffrey's when THAT ENTIRE HILL slid down in the heavy rains of January and then again in March with the second storm. A phone pole fell over, smashing a car and garage, all of which I will show you if you like. If you want to see videotapes of the actual slides, one of the

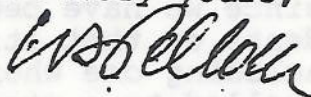
residents has them and will show them to you, if you like. That slide damage, denying access to the homeowners there, has never been repaired, now 6 months later. Across the face of the slide, believe this or not, is a flexible hose carrying the effluent from the septic tanks at Geoffrey's across the entire slide and thence to the sea ! Until you see this you will not believe it, I am sure. The slide exposed the entire seaward side of the swimming pool at the condos up above - you can see it easily. This is a 24 carat public health hazard, trust me.

4/ You want to open the easements at Geoffrey's and Kanner's condos. Before you do that, you should know that Caltrans thinks the traffic along there is so dangerous they will not permit anyone, even the valet boys at Geoffrey's, to park on the seaward side of the highway for 150 feet below the crest and for 150 feet before you get to the entrance/exit of Escondido Beach Road. WHY?? Too many fatal accidents, those people come down that hill at better than 60 mph regularly.

5/ Come see the tremendous earth moving project that has been going on on the highway just above Escondido Creek for 6 months now, expected to take another three months. Broke the water main, the gas line and allegedly uncovered a hidden spring under the Coast Highway that had been responsible for three or four previous slides. This is not just talk. It happened. The water and gas mains are still temporary, exposed above ground, as they have been for two or three years now. Come see it. Don't rely on your field crew; see for yourself. It will turn your hair white.

There is no substitute for personal on site inspection. THEN, if you are indeed open to suggestion, we will talk about some practical, low cost, alternatives. But, first, you have to indicate that you want to learn about Escondido Beach. I will help you.

Sincerely yours,



William F. Pollock, M.D., F.A.C.S.

RECEIVED

JUL 31 1995

COSTAL CONSERVANCY  
OAKLAND, CALIF.

## CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100

OAKLAND, CA 94612-2530

ATSS 541-1015

TELEPHONE 510/286-1015

FAX 510/286-0472 August 14, 1995



Dr. William Pollock  
1268 N. Amalfi Dr.  
Pacific Palisades CA 90272

Dear Dr. Pollock:

I have received your letter of July 28, 1995 and will forward a copy to Conservancy Board members for their review. I must decline your invitation as I have already visited the Escondido Beach area many times. While Escondido Beach is not known for surfing, many people use this beach for walking, swimming, and kayaking.

I have also seen the landslide below the restaurant. At this time, the stairway down from Geoffrey's seems undamaged and currently is being used by the Holiday House condo owners. Before opening the stairway we will conduct a thorough investigation. Furthermore, we will monitor the stair as part of the maintenance program.

The landslide just above Escondido Creek certainly temporarily disrupts traffic along Pacific Coast Highway but is far enough away from the accessway to have little or no impact.

I am aware that PCH is a busy road with speeding cars and that there are no parking signs posted immediately adjacent to the Geoffrey's Restaurant accessway and the Seacliff accessway. However, there is ocean-side, on-street parking about 100 feet further up PCH (towards Paradise Cove) and the Seacliff homeowners will be constructing two off-street parking spaces next to the stairway for beach goers.

In regards to Escondido Beach Road which you wrote about in your last letter, the Coastal Commission's investigation indicates that the section of Escondido Beach Road at issue was owned by the BFS Stern Partnership and thus the grantor had the right to include the road in the access easement. If you have information to the contrary I would appreciate it if you would send it to me.

Yours truly,

A handwritten signature in cursive script, reading "Brenda Buxton".

Brenda Buxton  
Project Manager



CALIFORNIA STATE COASTAL CONSERVANCY

1200 BROADWAY, SUITE 1700  
OAKLAND, CA 94612  
ALAN MILLER  
TELEPHONE (415) 774-1012

DATE: August 14, 1992

Dr. William Pollock  
1268 N. Arnold Dr.  
Pacific Palisades CA 90272

Dear Dr. Pollock:

I have received your letter of July 28, 1992 and will forward a copy to Conservancy Board members for their review. I must decline your invitation as I have already visited the Escondido Beach area many times. While Escondido Beach is not known for surfing, many people use the beach for walking, swimming, and kayaking.

I have also seen the landside below the restaurant. At this time, the stairway down from Geoffrey's seems undamaged and currently is being used by the Holiday House condo owners. Before opening the stairway we will conduct a thorough investigation. Furthermore, we will monitor the stair as part of the maintenance program.

The landside just above Escondido Creek certainly temporarily disrupts traffic along Pacific Coast Highway but is far enough away from the accessway to have little or no impact.

I am aware that BCH is a busy road with speeding cars and that there are no parking signs posted immediately adjacent to the Geoffrey's Restaurant accessway and the Seaside accessway. However, there is ocean-side, on-street parking about 100 feet further up BCH towards Paradise Cove and the Seaside homeowners will be constructing two off-street parking spaces next to the stairway for beach goers.

In regards to Escondido Beach Road which you wrote about in your last letter, the Coastal Commission's investigation indicates that the section of Escondido Beach Road at issue was owned by the Bix Seaside Partnership and that the grantor had the right to include the road in the access easement. If you have information to the contrary I would appreciate it if you would send it to me.

Yours truly,

Brenda Burton  
Project Manager

WILLIAM F. POLLOCK, M.D.

1268 N. Amalfi Drive  
Pacific Palisades, Calif 90272  
(213) 454-7564

August 18, 1995

Ms. Brenda Buxton  
Coastal Conservancy  
Oakland, California

Dear Ms. Buxton,

Your most recent letter indicates either a grievous lack of understanding or an incredible naivete regarding Escondido Beach.

1/" The landslide below the restaurant". This is not the first landslide there. There was a very large one about ten years ago which is still visible if you know what you are looking for; the cavity beneath the restaurant to the right of the present slide is one of the remnants of that slide. The restaurant at that time had a permit for about 80 diners ( determined by the size of the septic system ) but they regularly had well over a hundred customers at a time and there was a resultant seepage of raw sewage into the road below the restaurant. Outraged residents finally got Deane Dana and his field deputy Ireland out there, with photographers, media ,etc. and an official finding was made that the slide or whatever had created a serious public health hazard, so they had to rework their septic system after that slide, reduce the number of customers, etc.

The present slide has again aggravated that septic problem and although the restaurant has been closed for this and other reasons twice since the first of the year, the present pipe running across the face of the slide carries the effluent out to the sea at that point. If that is acceptable management of our coastal resource, I can only express my amazement.

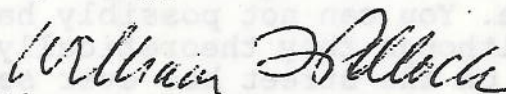
2/" The stairway is being used by the Holiday House Condo Owners " Incredible. You can not possibly have looked at it. It is locked and although they theoretically have access to a key, no one I know on the street has ever seen it used. Further, the passage to the beach from Escondido Beach Road between Wolk's two speculative houses is locked and no one that I know has a key to that beach access, except possibly Wolk himself. Surely you don't believe that it is "being used".

3/. " The landslide just above Escondido Creek... is far enough away to have little or no impact". You should spend a little more time with the engineers. There have been innumerable instances of an underground spring under the highway there. The entire Pacific Coast Highway(!) slid down and blocked Malibu Cove Colony road; many previous slides have ruptured the water main several times, both the water and the gas mains have been rerouted above ground for years because that whole area, both sides of the highway in both directions from the creek are now and have always been geologically unstable. There are volumes of reports, tests, studies, suits demonstrating this. Yet you are

blithely recommending a parking lot, access and egress roads, right smack in the center of that unsolved problem. You are demanding "easement access" on demonstrably unstable land at Geoffrey's and at the other two farther on, obviously over extremely unstable hillsides. The present massive earthmoving project will theoretically replace the water main underground, but it includes a huge drainage provision to attempt to prevent further slides of the Coast highway. Don't trust me, GO LOOK AT THE SITE! If that doesn't scare you, you are not paying attention.

4/ "The section of Escondido Beach Road at issue was OWNED by the BFS Stern partnership " Brenda , Brenda . If he offers to sell you the Brooklyn Bridge, don't buy it. Your mother must have told you, never take candy from strangers. It is going to come as a tremendous surprise to all the Title Insurance Companies, all the homeowners ( including me) to hear that he got you to believe he OWNED it. Stern lives at 27352 Escondido Beach Road ( I live at 27208) but let me tell you once again, loudly, clearly, the Geoffrey's property is not and has never been a part of the Escondido Beach private road, is not a party to the C C and R's on which all of our titles are based and insured. For five of my 15 years as secretary of the property owners association, the president was Philip Westbrook, Stern's next door neighbor and the head honcho of O'Melveny and Myers, a legal firm that may have crossed your horizon. The association spent large sums of money on land use attorneys, experts in L.A., San Francisco and Sacramento and we can state absolutely and categorically that Stern, with or without his partners, NEVER OWNED THE ESCONDIDO BEACH ROAD. HE CAN NOT DEDICATE AN EASEMENT OVER PROPERTY THAT HE DOES NOT OWN. IF YOU INSIST, WE WILL GET THE TITLE INSURANCE COMPANY TO EXPLAIN IT TO YOU, PREFERABLY OUTSIDE COURT BECAUSE OF THE EXPENSE. THE ONLY SERIOUS MISTAKE YOU CAN MAKE HERE IS TO PROCEED ON THE ASSUMPTION THAT HE OWNED THE ROAD. HE DID NOT. Are you really as naive as you sound?

Sincerely,



William F. Pollock, M.D., F.A.C.S.

WILLIAM F. POLLOCK, M.D.  
1268 N. Amalfi Drive  
Pacific Palisades, Calif 90272  
(213) 454-7564

August 25, 1995

Ms. Brenda Buxton  
Coastal Conservancy  
Oakland

Dear Ms. Buxton,

The conduct of the inquiries into the advisability, even feasibility, of the so-called dedicated easements along Escondido Beach and its environs has led most of us to believe that your mind is made up and you don't wish to be confused by any facts.

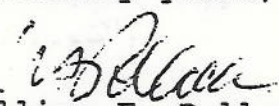
In previous communications I have commented many times on the slides, old and new, on to Escondido Beach Road from the unstable hill on which Geoffrey's restaurant perches, somewhat precariously.

N I have told you that the septic tank discharge in time past (documented) and now again and again since the January and March slides have resulted not only in closure of the restaurant on several occasions, but has been extremely badly answered by that plastic hose running across the face of the slide from the septic tanks and out to sea. You have been told repeatedly about that public health hazard; apparently it doesn't bother you.

This monthly report from the August 24th issue of the Malibu Times is simply another published report of this hazard. You will note that the ocean in the area of the discharge from Geoffrey's is rated D for the month of July.

Let me ask you if your legal advisors see any possibility that you PERSONALLY might be liable if you tell the public that the beach and the ocean are safe at the point of the easements? If you assure the public that this is a safe beach for children, etc. when the governmental agencies report that "the risk of getting sick from ocean waters, and counts of fecal coliform, or bacteria from the intestines and feces, recently exceeded EPA contamination standards at Paradise Cove in Malibu" are you not liable for that false assurance ??? Our attorneys think you are.

Sincerely yours,

  
William F. Pollock, M.D., F.A.C.S.

RECEIVED

AUG 28 1995

A-72

# Toxins continue to brew at Surfrider

Bacteria counts in the waters of some local beaches — chief among them Malibu Surfrider Beach — remain high despite a month without rain, even though bacteria counts in the ocean normally diminish during the summer, according to the Surfrider Foundation.

The foundation's June/July Ocean Contamination Report reveals that fecal coliform levels at Surfrider Beach, which were already above Environmental Protection Agency standards in June, have increased more than seven times since then. Enterococcus counts at the world-famous surfing beach continue to fluctuate above EPA standards, the report said. Contamination levels were measured by the Los Angeles County Department of Health Services and by the city of Los Angeles.

Heal the Bay, in its own report, says that flows from the Malibu Creek Watershed are affecting

bacteria levels at Surfrider, which has received an F rating from the environmental group for the entire summer. The contamination also probably is affecting the bacteria counts near Malibu Pier, the report says.

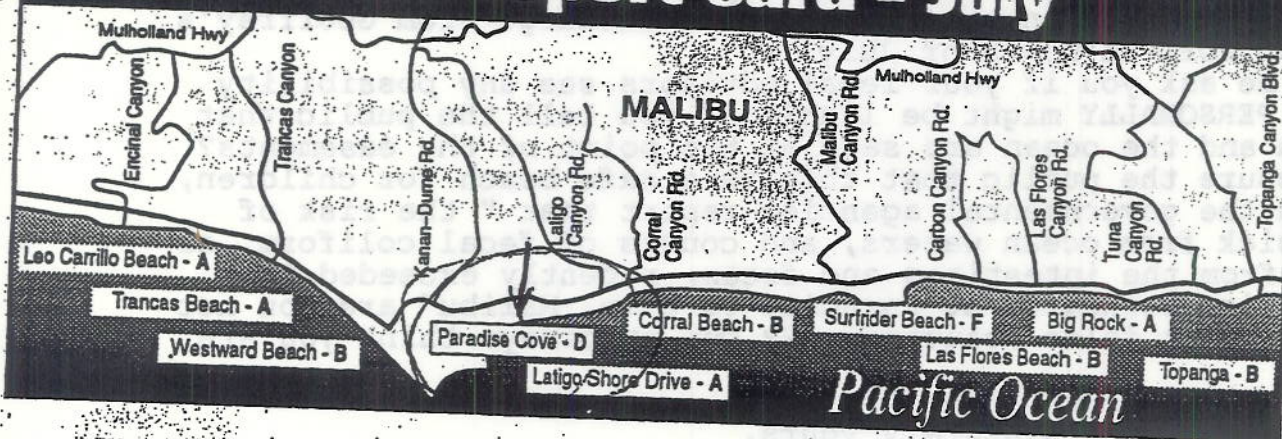
Susan Chang, an official at Hyperion Wastewater Treatment Plant in El Segundo, noted that the testing site at Surfrider was moved 150 feet closer to the storm drain in June 1994.

Surfrider Foundation also reports that enterococcus levels, which best show the risk of getting sick from ocean waters, and counts of fecal coliform, or bacteria from intestines and feces, recently exceeded EPA contamination standards at Paradise Cove in Malibu.

The beach near the Pico-Kenter storm drain south of Santa Monica Pier received an F rating for the month of July, down from a D grade in June.

— Karin Bellomy

## Ocean report card - July



**SMITH BARNEY**

A Member of Travelers Group

G. Lloyd Isaacs  
Senior Vice President/Financial Consultant  
Portfolio Manager

818-715-1850

August 15, 1995

California State Coastal Conservatory  
1330 Broadway Ste. 1100  
Oakland, Ca. 94612  
Attn: Brenda Paxton

RE: Meeting 6/21/95  
Item IX, Tentative Agenda

This referenced item proposes opening an easement at 27400 Pacific Coast Highway, Malibu, Ca. 90625 for public access to the ocean in front of the restaurant parking lot.

There is little public parking available. The parking is across the highway. There is no stop sign or signal--nor one possible for this high-speed zone.

I own a condo at 27400 Pacific Coast Highway, just west of the restaurant. Many accidents and deaths have occurred at this exact spot. (Check your records!!). The visibility, the Highway Patrol will tell you, is nonexistent.

Cal Trans has refused to install a stop signal.

If the Coastal Commission approves this access, you may rest absolutely assured that a death from a serious accident will follow this enactment.

This sad result and your responsibility to help all citizens will very much focus on this careless approval of this access.

Please don't make this mistake.

Sincerely,

*G. Lloyd Isaacs*

G. Lloyd Isaacs  
Sr. Vice-President/  
Financial Consultant

A-74

RECEIVED  
AUG 17 1995  
STATE OF CALIFORNIA  
OAKLAND, CALIF.

2. 1982  
State Vice President/Executive Committee  
Political Manager

8/15/82

SMITH BARNEY

1. 1982

August 15, 1982

California State Coastal Conservancy  
1336 Broadway St. 1100  
Oakland, Ca. 94612  
Attn: Brenda Paxton

RE: Meeting 8/21/82  
Item IX, Tentative Agenda

This referenced item proposes opening an easement at 27400 Pacific Coast Highway, Malibu, Ca. 90263 for public access to the ocean in front of the restaurant parking lot.

There is little public parking available. The parking is across the highway. There is no stop sign or signal--not one possible for this high-speed turn.

I own a condo at 27400 Pacific Coast Highway, just west of the restaurant. Many accidents and deaths have occurred at this exact spot. (Check your records!!). The visibility, the Highway Patrol will tell you, is nonexistent.

Cal Trans has refused to install a stop signal.

If the Coastal Commission approves this access, you may rest absolutely assured that a death from a serious accident will follow this easement.

This sad reality and your responsibility to help all citizens will very much focus on this careless approval of this access.

Please don't make this mistake.

Sincerely,

Barry Stoen

G. Lloyd Isaacs  
Sr. Vice-President/  
Financial Consultant

RECEIVED  
CALIFORNIA COASTAL COMMISSION  
AUG 17 1982

Charles H. Stern  
27352 Escondido Beach Road  
Malibu, CA 90265  
July 24, 1995

Penny Allen  
California State Coastal Commission  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Dear Ms. Allen:

The California Coastal Conservancy is having a meeting in September to discuss the opening of the Geoffrey's accessway to the public. (27400 Pacific Coast Highway, Malibu).

We urge you to visit the proposed accessway. It is very dangerous, going across the restaurant parking lot for Geoffrey's Restaurant which serves more than 2000 visitors each week.

You have a public access less than 400 yards away and this serves the public very well when it comes to Escondido Beach. They only have to go down 18 steps on to a safe beach where they can surf, engage in boating, sunbathing, diving, etc. You will see that the beach is well occupied every day of the week and the public has full access to Escondido Beach.

The Geoffrey's Accessway is not needed and should be abandoned.

Sincerely,



Charles H. Stern

CHS:mh

RECEIVED  
JUL 26 1995  
THE CALIFORNIA COASTAL CONSERVANCY  
OAKLAND, CALIF.

Charles H. Stern  
27352 Escondido Beach Road  
Malibu, CA 90265  
August 11, 1995

Brenda Buxton  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612  
VIA MAIL & FAX: 510-286-0470

Dear Brenda:

Thank you for taking the time to visit Malibu with your group to hear public comments.

We are pleased that you were able to view the public easement at the entrance to Escondido Beach Road to see how well it is utilized by the public. There is a Summer Camp for children taking place; folks are sunbathing, surfing, walking on the beach, diving, boating and taking advantage of the beach. It has very easy access with the few stairs down to the beach.

You mentioned that you want to make it easy for folks to get to the beach. This is the perfect easement -- similar to the easy access to the beach in San Francisco below the Cliff House.

Your other proposed easements through Geoffrey's and Sea Cliff are very difficult easements and extremely dangerous. Our neighbors were attempting to bring this point home to your staff. We hope that you will re-consider by dropping your request for the Geoffrey's easement and the Sea Cliff easement.

Please let us know the time and place of the September meeting well in advance of the date.

We thank you for your time and consideration.

Sincerely,



Charles H. Stern  
CHS:mh

RECEIVED  
AUG 14 1995  
STATE COASTAL CONSERVANCY  
OAKLAND, CALIF.

**CALIFORNIA STATE COASTAL CONSERVANCY**

1330 BROADWAY, SUITE 1100  
OAKLAND, CA 94612-2530  
ATSS 541-1015  
TELEPHONE 510/286-1015  
FAX 510/286-0470



August 29, 1995

Mr. Charles H. Stern  
27352 Escondido Beach Road  
Malibu CA 90265

Dear Mr. Stern:

Thank you for your letters of July 24, 1995 (to Penny Allen) and August 11, 1995. Copies will be forwarded to our Board for their review.

The Escondido Creek access certainly is easier to use in that it has fewer steps. However, this does not mean it provides sufficient access or should be the only free access to this beach. The beach below the access area was quite crowded when I saw it on a weekday morning. This indicates that the public would benefit from more access to the beach, even if required to walk down more stairs.

More access to Escondido Beach is needed for several reasons. When there are numerous accessways along a beach, people spread out and do not concentrate in one area -- as they do at present at Escondido Creek. Without the Geoffrey's and Seacliff accessways people will continue to avoid the rest of Escondido Beach because they have to trudge long distances over the sand or pay \$15. at Paradise Cove. The Geoffrey's and Seacliff accessways also provide access to parts of Escondido Beach cut off to the public by seawalls at high tide or by the flooding creek during winter storms. Parking for these easements is available on the ocean side of PCH immediately downcoast of the restaurant property and about 500 hundred feet upcoast from the Seacliff stairway.

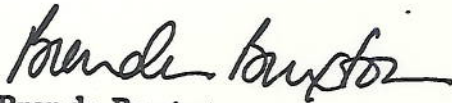
The stairs at the Geoffrey's and Seacliff easements do require more effort to use than the stairs at Escondido Creek. However, this does not mean they are unsafe. Both stairs have been used for many years by their adjacent homeowners (Holiday House and Seacliff). Furthermore, these stairs are no more steep than those in other areas of the coast with high cliffs.

One of the Mountain Recreation and Conservation Authority's first tasks when assuming management of these accessways will be to inspect the accessways and correct any hazards. When we meet on September 8 at 2pm, I will welcome any specific suggestions you may have on how to improve these accessways for public use.

Mr. Charles Stern  
August 29, 1995  
Page Two

I will be sure to let you know the time and place of the September meeting as soon as the details are arranged.

Yours truly,



Brenda Buxton  
Project Manager

## RSW Investments

---

Dr. Roger S. Wolk

28 Malibu Colony Drive, Malibu, CA 90265

(310) 456-6972

(310) 456-7232 Fax

July 24, 1995

Michael Fisher, Executive Director,  
California Coastal Conservancy  
1330 Broadway, # 1100  
Oakland, CA 94612-2530

RECEIVED  
JUL 27 1995  
STATE COASTAL CONSERVANCY  
OAKLAND, CALIF.

RE: Easement at Geoffrey's Restaurant  
Malibu, CA

Dear Michael:

I am a homeowner at 27336 Escondido Beach Road adjacent to the easement which your office proposes to accept for the public.

I must voice my serious opposition to the opening of this accessway due to the obvious danger to pedestrians crossing PCH and the Geoffrey's Restaurant parking lot at this location. Also, the public must walk to a private residential road to get to the beach walkway. The residents on the road near the easement feel a public easement at this site will be a danger, not only to the public, but also the security of the nearby residents, who will be greatly impacted on our small private road.

The easement at Seacliff is a short distance away and is more suitable for public use as the walkway is not in the middle of residences and the stairway goes to a part of Escondido Beach which has no homes on the beach, but only on the bluff above.

I urge to to reconsider this issue.

Sincerely,



Dr. Roger S. Wolk

RSW/pol

RSW Investments

Dr. Roger S. Wolf

55 Malibu Colony Drive, Malibu, CA 90265

(818) 446-6372

(818) 446-7555 Fax

July 24, 1983

Michael Fisher, Executive Director

California Coastal Conservancy

1330 Broadway, # 1100

Oakland, CA 94612-8230

RE: Easement at Geoffrey's Restaurant

Malibu, CA

Dear Michael:

I am a homeowner at 27388 Escondido Beach Road adjacent to the easement which your office proposes to accept for the public.

I must voice my serious opposition to the opening of this easement due to the obvious danger to pedestrians crossing PCH and the Geoffrey's Restaurant parking lot at this location. Also, the public must walk to a private residential road to get to the beach walkway. The residents on the road near the easement feel a public easement at this site will be a danger, not only to the public, but also the security of the nearby residents, who will be greatly impeded on our small private road.

The easement at Escondido is a short distance away and is more suitable for public use as the walkway is not in the middle of residences and the walkway goes to a part of Escondido Beach which has no homes on the beach, but only on the bluff above.

I urge to reconsider this issue.

Sincerely,

  
Dr. Roger S. Wolf

RSW/pol

RECEIVED  
JUL 27 1983  
MAR COMMUNITY DEVELOPMENT  
1 - RAND CORP

## CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100

OAKLAND, CA 94612-2530

ATSS 541-1015

TELEPHONE 510/286-1015

FAX 510/286-0470



August 29, 1995

Dr. Roger Wolk  
28 Malibu Colony Drive  
Malibu CA 90265

Dear Dr. Wolk:

Thank you for your letter of July 24, 1995 to Michael Fischer. A copy will be forwarded to our Board for their review.

We agree that the Seacliff easement will be easier for the public to use and the Geoffrey's easement will be less welcoming to the public. Despite this limitation, the Geoffrey's easement still has merit. Instead of preventing public use, we would propose that the Geoffrey's easement be signed for public use appropriately. For example, smaller signs could be used on the stair and the entrance at PCH remain unsigned. This way some people, such as restaurant patrons, could still use the accessway but the majority of beach goers would use the more noticeably signed Seacliff accessway. These sorts of arrangements will be finalized in the management plan.

We also appreciate that local residents may have safety concerns. The accessways will be locked at night in order to protect the privacy of the local residents. Accessways in other coastal communities are often open 24 hours a day, yet we are proposing to limit the public's night time use because this is a residential area.

Yours truly,

A handwritten signature in cursive script that reads "Brenda Buxton".

Brenda Buxton  
Project Manager



27408 ESCONDIDO BEACH ROAD MALIBU CA 90265

MS BRENDA BUXTON  
CALIFORNIA STATE COASTAL CONSERVANCY  
1330 BROADWAY, SUITE 1100  
OAKLAND, CA. 94612-2530

VIA TELEFAX & U.S. MAIL

July 11 1995

Dear Ms Buxton,

We live at 27408 Escondido Beach Road in Malibu, and our house is only a few feet away from that hideous eyesore known as the "Seacliff stairway," which, by the bye, someone at the Coastal Commission once sheepishly admitted to us that they had compelled the Seacliff Association to build. Be that as it may, the news that this ill conceived accessway might soon be open to the public causes us grave anxiety as it appears that several IMPORTANT SAFETY issues have been utterly overlooked:

1) The heavy rains of 1994-1995 have caused such severe erosion to the cliffside behind our house and behind the stairway itself, that the entire stability of the hill is now in serious question. The problem is both extensive and of such a serious nature that motoring access to our house is still prevented by the presence of a huge landslide on Escondido Beach road caused by bedrock failure. At present, a costly overall remedial plan is being examined by all the parties involved. Compounding the problem, the outer "shaft" of the stairway channels debris and mud onto our property.

At the present juncture, THE ULTIMATE SAFETY OF THE STAIRWAY AND OF THE HOUSES IS IN QUESTION.

2) Immediately adjoining the stairway in a westerly direction lies a wild area of chapparal brush, eucalyptus trees and other native plants that host a wealth of undisturbed wild life including rare birds and insects.

Furthermore are you not aware of the fact that the whole area in question is a CHUMASH burial ground and is not without interest on both sacred and archeological grounds?

3) An augmentation of traffic down these stairs and onto Escondido Beach carries with it the considerably increased risks of ACCIDENTAL FIRE. A casually tossed cigarette butt could very easily start a devastating fire. Such a fire starting west of us and fanned by an omnipresent westerly breeze would swiftly engulf our wooden house, and our precious collections, spread to a gigantic eucalyptus tree in front of our house burn up the cliff to the "Holiday House" condominiums and Geoffreys' restaurant while, of

2.

course, devastating our neighbors houses along Escondido Beach road, which, by the way, due to its narrowness has been described by firefighters as "an absolute nightmare."

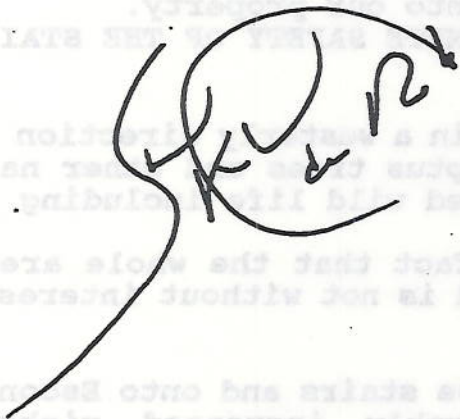
4) On the other hand, has the safety of the public been considered? Pacific Coast Highway has claimed several pedestrian victims over recent years, including a child killed while attempting to cross the road at that very location which is "a blind hill" Parking spaces are virtually non-existent.

5) The Stairway itself is very steep and treacherous especially when wet.

6) Has the safety of the residents been considered? Our property lies exposed and unprotected from possible trespasses, vandalism and worse. We wish to go on record that we will not hesitate to use our considerable resources to hold to account those in authority who fail to prevent such easily foreseeable future problems if such an unwise course is adopted without our objections being properly addressed.

7) In conclusion, we should like to appeal to you to reconsider and would like to remind you that PUBLIC ACCESS to Escondido Beach is already AVAILABLE at the entrance of our road, that it is easier and much safer. People walk down from there and often find quiet places to spend the day near our house and we don't mind that at all, on the contrary. But if hordes of rowdy people were to come down that stairway: EVERYBODY WOULD LOSE!

Sincerely,



H.H. PRINCE STANISLAS KLOSSOWSKI de ROLA

RECEIVED  
JUL 18 1995  
THE CENTRAL CONSERVANCY  
OAKLAND, CALIF.

Charles H. Stern  
27352 Escondido Beach Road  
Malibu, CA 90265  
June 19, 1995

Brenda Buxton  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612  
VIA FAX: 510-286-0470

Dear Brenda:

Today's *Los Angeles Times* detailed the losing position for the Santa Monica Mountains Conservancy with the Streisand Estate.

How can they be expected to take over costs of an easement when they are doing so poorly with the Streisand Estate which was donated in 1993?

Sincerely,



Charles H. Stern

CHS:mh  
Enclosure



*The  
Holiday House  
Homeowner Association*

June 19, 1995

California State Coastal Conservancy  
1330 Broadway  
Suite 1100  
Oakland, CA 94612

Attention: Brenda Paxton  
Re: Meeting 06/21/95

We are responding to item IX in the Tentative Agenda of the Meeting Notice for Wednesday, June 21, 1995 at the State Capitol, Room 113 in Sacramento California.

We hereby lodge our opposition to the proposed opening of the easement at 27400 Pacific Coast Highway, Malibu CA 90265, for public access across the existing restaurant parking lot.

We believe that by opening the easement it will cause unnecessary congestion on the Pacific Coast Highway in close vicinity to the restaurant and condo units. We also believe it will add an increased security risk in terms of both visibility awareness and increased access to potential intruders. Please note that there is a sea cliff access way currently under construction approximately 100 yards north of our property.

Sincerely,



Jens Holm  
Holiday House Homeowner Association

JH/cgv

cc: Paul Morrow  
William Mudd  
Charles Stern

*27400 Pacific Coast Highway Malibu California 90265*



SEYMOUR MORROW, D.D.S.  
27400 PACIFIC COAST HIGHWAY #9.  
MALIBU, CA 90265.

June 19, 1995

California State Coastal Conservancy  
1330 Broadway  
Suite # 1100  
Oakland, CA 94612

Attention: Brenda Paxton  
Re: Meeting 6/21/95  
Item IX, Tentative Agenda

We are very much opposed to item # IX in the Tentative Agenda of the Meeting Notice for Wednesday, June 21, 1995 at the State Capitol, Room 113 in Sacramento, California. This relates to the proposed opening of the easement at 27400 Pacific Coast Highway, Malibu CA. 90265, for public access in front of the restaurant parking lot.

The location in question on Pacific Coast Highway is 1/3 rd of the way down a moderate hill; when traveling in a south eastern direction (toward Santa Monica) with virtually no visibility until you get to the top of the hill, about 200 yards east from the proposed crossing.. Most people would be parking across the coast highway because there is very limited beach parking on the beach side of the highway. The majority of the automobiles are travelling at least 60 miles per hour when they reach the top of the hill and it would be very difficult to stop for the pedestrians in time under these conditions. There is no stop light or traffic signal for about 1/2 mile to the west and about three miles to the east.

We have owned condominiums at 27400 Pacific Coast Highway, just west of the restaurant, since 1979. That stretch of the highway is like a freeway and there have been numerous accidents and some deaths in that exact spot. There is already an approved public beach access about 200 yards west from the one currently proposed at the entrance to the restaurant parking lot. The existing access (actually not in use as yet), just to the west of our condominiums is also extremely dangerous because of the speed the cars are traveling and the poor visibility on the hill.

It appears that the only way that would be safe would be if a signal were to be placed in that area.. It is my understanding that Cal Trans has refused to permit the signal and that they are opposed to the public access due to the traffic hazards in the area. If the access is approved, after the first death, you can be sure that most of the residents in the area would be testifying that the Conservancy was warned ahead of time

Please do what you can to stop this very dangerous and unnecessary public access from being approved by the Coastal Conservancy.

Sincerely,

Seymour Morrow #9  
SEYMOUR MORROW, UNIT #9

Paul Morrow  
PAUL MORROW, UNIT #4

**Geoffrey's/Malibu**  
**A Taste of the World**

June 20, 1995

via fax: 510 286-0470

Brenda Buxton  
California Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Dear Ms. Buxton,

*I am writing regarding the proposed easement to allow public beach access at 27400 Pacific Coast Highway.*

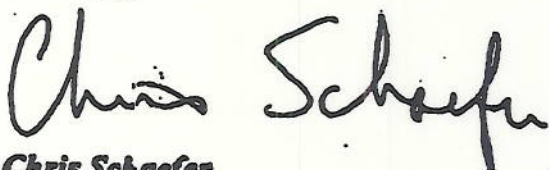
*Geoffrey's is a restaurant situated at that address. We feel that the proposed easement is very dangerous to the public and would cause several potentially serious problems for them and us:*

*The public would be required to park on Pacific Coast Highway on a very dangerous hill. Once ring traffic comes over the hill and down toward the restaurant and would not be able to see pedestrians trying to run across the highway. Cars parked on the beach side of the highway would be on the edge of a steep hill which drops sharply several stories. Children exiting automobiles on the passenger side would do so to a very dangerous cliff. People walking uphill towards the access would have to do so either between traffic and parked automobiles or on the edge of the cliff. Once they reach the top of our driveway, they would have to walk down a steep incline and across our parking lot, which is rather small and is constantly busy with cars coming and going from the restaurant. I do not see any safe way for people to access the beach in this way.*

*Also, we are the only public restrooms in the area, and are very concerned about overuse of our limited septic system and very small bathrooms, not to mention the congestion caused by cars trying to use our parking lot for beach access or restroom use.*

*I hope this helps to clarify what we consider to be a very inappropriate site for a public beach access. Please feel free to contact me if I can be of assistance.*

Sincerely,



Chris Schaefer  
General Manager

A-87



*Albert H. Gersten*

15760 VENTURA BOULEVARD • SUITE 828  
ENCINO, CALIFORNIA 91436  
(818) 981-2700

RECEIVED  
JUN 23 1995  
STATE COASTAL CONSERVANCY  
OAKLAND, CALIF.

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

June 21, 1995

Mr. Michael L. Fischer  
Executive Officer  
California State Coastal Conservancy  
1330 Broadway #1100  
Oakland, CA 94612-2530

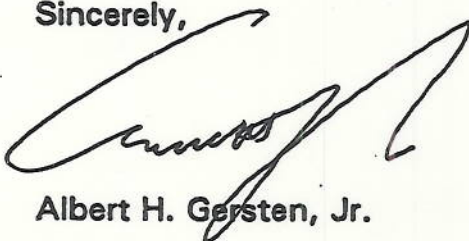
Dear Mr. Fischer:

This will confirm our understanding as a result of my telephone conversation with you, and a subsequent telephone conversation made to my office by Mr. Mark Bailor.

Yesterday, Tuesday, June 20, 1995, I telephoned to inform you that I had received by mail, Monday, June 19, 1995, at approximately 3:00 PM, notice of the pending action that was to be heard at 10:00 AM, Wednesday, June 21, 1995. I requested a postponement at that time in that the notice did not give me or the other homeowners the opportunity to properly respond and/or be in attendance at the Conservancy hearing. You understood the problem and took it under advisement with your counsel. Subsequently, yesterday afternoon, Tuesday, June 20, 1995, my office received a call from Mr. Mark Bailor to inform me that the matter regarding public access on Escondido Beach would be postponed to the Conservancy's September meeting and that proper notice would advance that hearing.

Thank you for your prompt attention to this matter, and of course I will be in touch with you and your members regarding my feelings on this issue.

Sincerely,



Albert H. Gersten, Jr.

A-88

AHG/hlz

TO: BRENDA BUXTON MARK TAYLOR

FAX 510-286-0470

FROM: MOLLY AND JOE NOVAK

FAX 310-278-5783

RE: EASEMENT AT ESCONDIDO BEACH

DATE: JUNE 26, 1985

It is our understanding that the discussion on additional Easement has been postponed.

We are strongly OPPOSED to additional Easement opportunities...The existing easement at the entrance to the road allows ample opportunity for surfers, sun bathers, childrens camps etc.

To invite more people in would be encouraging traffic and parking problems that risks public safety. We feel the State Coastal Conservancy would be responsible for endangering human life and would need to account for extra budget to secure the public safety.

We thank you for your consideration.

Sincerely



MOLLY AND JOE NOVAK

27222 PACIFIC COAST HWY ESCONDIDO BEACH

MALIBU, CAL.

RECEIVED  
JUN 29 1985  
STATE COASTAL CONSERVANCY  
SAN FRANCISCO

**CALIFORNIA STATE COASTAL CONSERVANCY**

1330 BROADWAY, SUITE 1100  
OAKLAND, CA 94612-2530  
ATSS 541-1015  
TELEPHONE 510/286-1015  
FAX 510/286-0470



July 19, 1995

Mr. John Denton  
Ms. Isabel Denton  
John Denton and Associates  
4253 Panamint St  
Los Angeles CA 90065

Dear Mr. and Ms. Denton:

Thank you for your letter of July 14, 1995 regarding the proposed parking lot near the intersection of Malibu Cove Colony Drive and Pacific Coast Highway. A copy of your letter will be forwarded to our Board.

First, let me take this opportunity to clear up some misunderstandings. This is a proposal by several Escondido Beach property owners to exchange a Coastal Conservancy-held public access easement that traverses their property for a parking lot in an alternative location. This proposal has nothing to do with pending or future building permit applications before the City of Malibu or the Coastal Commission. The City of Malibu is not involved with this proposal and I furnished Joyce Parker-Bozylinski, Malibu Planning Director, a copy of this preliminary drawing for information purposes only.

The Coastal Conservancy is not considering authorizing this exchange at this time. All that has occurred are some preliminary discussions between the property owners and Conservancy staff regarding this proposal. The decision to either construct the existing public access easement or to go forward with this exchange would be the subject of a possible future Conservancy Board action and subject to approval by the California Coastal Commission. You will be notified if this exchange does go to our Board for approval.

Before the Coastal Conservancy would agree to exchange its public access easement for this parking lot many questions would have to be answered. I am aware that this area is geologically unstable; the project proponents would have to demonstrate that the parking area can be safely built before the Conservancy

Mr. John Denton  
Ms. Isabel Denton  
July 19, 1995  
Page Two

would agree to this exchange. Furthermore, the project proponents would be obliged to secure all permits, such as an encroachment permit from CalTrans, and approvals required by CC&Rs or deed restrictions.

Yours truly,



Brenda Buxton  
Project Manager

**EXHIBIT K**

**Staff letter responding to questions**

EXHIBIT A

Staff letter responding to questions

## CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100

OAKLAND, CA 94612-2530

ATSS 541-1015

TELEPHONE 510/286-1015

FAX 510/286-0470



September 7, 1995

The Honorable Jo An House  
City of Malibu  
23555 Civic Center Way  
Malibu CA 90265-4865

Dear Mayor House:

Thank you for hosting the August 10, 1995 meeting and allowing me to hear concerns of the local community. Malibu residents certainly are concerned about the issues affecting their community, especially a controversial issue like public access.

This letter responds to several of the questions that you asked at the meeting. This letter may not answer every question presented at the meeting, but I hope it addresses some of your major concerns. Once I have the list of questions from Joyce Parker-Bozylinski, I will be able to respond further.


1. Have you considered traffic flows and hazards represented by PCH?

Yes. We have reviewed accident reports furnished by Caltrans and traffic reports prepared in the early '90's for the Seacliff property owners. We are aware that cars speed in this area and that it is difficult for pedestrians to cross.

However, for beachgoers who drive to these accessways, oceanside, on-street parking is permitted immediately adjacent to the downcoast (east) side of the Geoffrey's restaurant property and 176 yards upcoast (west) of the Seacliff stairway (and in this area people have an extensive view of traffic). This will minimize the necessity for parking on the inland side of PCH. In addition, there will be parking for 2 cars provided adjacent to the Seacliff accessway.

Since these accessways and the on-street parking will be free, beachgoers will not have a financial incentive to park on the inland side of the highway. This is in contrast to other areas of Malibu where beachgoers park on the inland side to avoid paying fees at oceanside parking lots.

Local inland residents (the most likely users of these accessways) already must cross the highway to get to the beach. The opening of these accessways will not increase the hazards these people face. Rather, it will offer them more numerous and convenient ways to reach the beach.

The Honorable Jo An House  
September 7, 1995  
Page Two

Other safety issues, such as construction, sun glare, and landslides, represent hazards that, unfortunately, are not unique to this site. While we have taken these points into consideration, they do not seem severe enough to merit prohibition of coastal access in this case.

## 2. How will maintenance be performed?

The Mountains Recreation and Conservation Authority will perform the maintenance, under an interagency agreement with the State Coastal Conservancy. We are currently drafting the management agreement. Maintenance costs will be reimbursed from the Coastal Commission's Malibu Beach Access Fund but it will be the Conservancy's responsibility to monitor the MRCA's performance.

Maintenance responsibilities will include daily opening and closing of gates, weekly trash pick up, repairs as needed, quarterly inspections of stairs, foundations, pilings, etc., ranger services on an on-call basis, and monthly cleaning. The frequency of these tasks can be adjusted as needed.

Restroom facilities are not proposed as part of this project due to space constraints. Nor do we have the right to put in restrooms under the terms of the Offers-to-Dedicate. This will limit the appeal of these accessways to people who do not live locally.

A local resident recently suggested that there may be room for a restroom (i.e. a suitably screened portable toilet) at the existing access at Escondido Creek. Is this agreeable to local residents? If so, I would be happy to pursue this with Los Angeles County (the owner and operator of this accessway).

## 3. What about property owners' liability?

At the present time, the Escondido Beach property owners are protected from liability by Civic Code Section 846, known as the Recreational Use Statute. This statute was intended to relieve private property owners from liability for injuries sustained by people who use their land, free of charge, for recreational purposes. There are exceptions, but they likely would not apply in this situation. I will refer you to the enclosed booklet for more information on this statute. Unfortunately, in this litigious society, this does not mean that the local residents cannot be sued. These protections do mean that the likelihood of someone winning such a suit is considerably lessened.

Once the easements are accepted, responsibility for their use goes to the easement holder. The Conservancy and the MRCA, as the easement holder and operator, will be the most likely targets of any legal action arising from use of these easements. The Conservancy and the MRCA have the immunities that apply to government agencies under Government Code Sections 831.2, 831.4 and 831.7.

4. Have you considered the geology of site?

Geological analysis is usually not part of our review of Offers-to-Dedicate unless construction is required to open the OTD. Since two of the Escondido Beach accessways, already built and used by adjacent homeowners, were part of a permit review that included the construction of residences, we have determined that further geological analysis would be repetitive and unnecessary. For the Chiate/Wildman accessway however, a geological analysis would be part of the construction feasibility analysis.

The Conservancy and the MRCA realize that there has been a slide between the Geoffrey's easement and the Seacliff easement. The accessways appear to be undamaged at this time but the MRCA will perform quarterly inspections of the pilings, foundations, etc. as part of its maintenance agreement with the Conservancy. Any noted hazards or damage will be immediately corrected or the accessways will be closed until repairs can be made.

5. Have you considered the quality of the beach experience and carrying capacity of the beach?

Determining the carrying capacity of a beach is inherently subjective -- one person's packed, overcrowded beach is another person's fun place to see and be seen. Different people will have a very different notions of what makes up a quality beach experience and when a beach has reached its "carrying capacity".

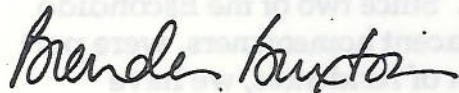
There are, however, several goals in coastal planning. One is to have numerous accessways along a beach so that people spread out and do not overburden or concentrate in one area, as they presently do at Escondido Creek. Without additional accessways, beachgoers will continue to avoid the middle part of the beach because they have to trudge long distances over the sand, negotiate seawalls or a flooding creek, or pay \$15 at Paradise Cove.

The Honorable Jo An House  
September 7, 1995  
Page Four

Another goal is to provide beachgoers with a variety of experiences. Escondido Beach offers visitors a different beach experience than that offered at Zuma, for example, but the trade-off for a less crowded beach will be a lower level of services.

I hope this responds to some of your concerns. Please let me know at 510-286-1015 if you have additional questions or would like to discuss the Conservancy's project further.

Sincerely,



Brenda Buxton  
Project Manager

cc: Mayor Pro Tem John Harlow  
Councilmember Carolyn Van Horn  
Barbara Cameron  
Joyce Parker-Bozylinski